Monday, January 28, 2013 at 7:00 p.m., Mayor Tom Wise called to order the regular meeting of the Gardner Village Board in the Village Hall Council Chambers. Roll call-Commissioners: Dick Hileman, Mike Serena, Jim Hibler, Gary Riley and Mayor Wise. Also in attendance were Attorney Scott Belt and Bob Schmude with Chamlin & Associates. Audience: Mike Pokornicki, Mike Pasternak, Pam & Darren Brooks, Rita & Dave Wright, Cindy Gerber, Mr. Perrot, Chris Irvin, David Doglio, Jake Olson, Dean Rankovich, Gary Kociss, Jim Ferguson, Brad Kingma.

All stood for the Pledge of Allegiance.

The minutes of January 14, 2013 were presented. Hileman moved to approve the minutes as written, second by Serena. Roll call-Ayes: Serena, Hibler, Hileman, and Wise. Pass: Riley Nays: none. Motion carried.

The current bills for January 28, 2013 were presented. Comm. Hibler moved to approve the payment of the bills second by Serena. Roll call-Ayes: Hibler, Serena, Riley, Hileman and Wise. Nays: none. Motion carried.

Public Comments – Mrs. Pam Brooks questioned why the Village is appealing the judge's ruling on how TIF money is spent by the High School, Atty. Belt replied that as this is pending litigation he is advising the board not to discuss this publicly. Chris Irvin questioned the amount the Village has spent on the high school litigation legal fees. Comm. Hileman commented that he did not have the figures with him but that as the high school has seven board members and with four of them being at the board meeting discussing taxes he was putting them on notice that they were violating the open meetings act. The four board members present at the meeting were: Rita Wright, Pam Brooks, Cindy Gerber and David Doglio. Mr. Irvin commented that they were not meeting there, they were taxpayers, Atty. Belt questioned if there was a special school board meeting. Discussion followed regarding if the school board members were there to discuss public business. Mr. Doglio questioned if they could remain, Atty. Belt informed them he would not tell them if they could or not, they needed to consult their own legal counsel or relook at the section of the open meeting act class on violation of an open meeting. Chris Irvin questioned Atty. Belt on litigation legal fees; Comm. Hileman gave him some figures on legal expenses for other litigation issues. Mr. Irvin stated that it was sad that both the school and Village had so much in legal fees. Comm. Hileman asked if they wanted to terminate the TIF agreements stating that they should discuss it and let the board know and they would be happy to accommodate them. Jake Olson questioned if the executive session from two weeks ago was in relation to the litigation with the high school, Atty. Belt explained that if he was on the school board he would not be able to discuss that with him or anyone else on the board as both the village and the school have legal counsel and it violates the legal code of conduct, as he isn't on the board the village board convened to go into executive session in a lawful manner consistent with the Illinois open meeting act. Jake Olson questioned if what the board is doing now is really considered an appeal, Atty. Belt stated as this is pending litigation it is not appropriate for open session discussion.

Agenda – None

Unfinished Business – Comm. Serena reported that a copy of the solicitation permit ordinance was put in all commissioners' mailboxes, so now if questions arise all commissioners have a copy.

Atty. Belt had no report.

Comm. Hileman Comm. Hileman reported that the former superintendent of the Grade school signed a lease with Mr. Hoffman which is good until January 1, 2017. Comm. Hileman explained Mr. Hoffman and Mr. Vigna's involvement. Discussion followed with Comm. Serena stating that they should follow the contract and plant alfalfa. Comm. Serena made motion that Mr. Hoffman follows the contract and plant alfalfa second by Hileman. Roll call-Ayes: Hibler, Serena, Riley, Hileman and Wise. Nays: none. Motion

carried. Comm. Serena requested a copy of future contracts; Comm. Hileman explained how the lease of the farm land to the grade school came about.

Comm. Hibler explained the bids from Liquid Engineers the first being $2,185 to inspect and report, the second being $2,975 to clean, inspect and report stressing that it is more cost effect to have them clean the tower while they are inspecting it. Comm. Hibler made motion to have liquid engineers clean, inspect and report for $2,975 second by Hileman. Roll call-Ayes: Hibler, Serena, Riley, Hileman and Wise. Nays: none. Motion carried.

Comm. Serena had no report.

Comm. Riley had no report.

Engineer Christensen – Bob Schmude reported on the progress of the Main St. project, explaining that everything is moving along and we should be able to open bids on February 25, 2013.

Clerk Pasternak told the board that instead of flowers for Sheriff Marketti a $100 donation was made to Big Brothers/Big Sisters and a thank you had been received. Comm. Hileman asked how Big Brothers/Big Sisters was chosen, and clerk Pasternak explained that the names of all his charities were put into a hat and one was drawn out.

Mayor Wise had no report.

At 7:20 p.m. Comm. Serena made motion to enter into executive session for the purpose of discussion on the appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body pursuant to Section (2)(c)(1) of The Open Meetings Act and pending litigation authorized pursuant to Section (2)(c)(11) of The Open Meetings Act second by Hibler. Roll call-Ayes: Hileman, Serena, Hibler, Riley and Wise. Nays: none. Motion carried

At 9:50 p.m. Comm. Serena made motion to reconvene, second by Hibler. Roll call-ayes: Hibler, Serena, Hileman, Riley and Wise. Nays: None. Motion carried.

Comm. Serena made motion to have village employees make and provide the commissioners with a list of regularly performed tasks second by Hileman. Roll call-Ayes: Hileman, Serena, Hibler, Riley and Wise. Nays: none. Motion carried.

As there was no further business brought before the council, a motion to adjourn was made by Comm. Serena, seconded by Comm. Hibler, all signified by saying aye. No one opposed. Motion carried. Meeting was adjourned at 9:51 p.m.

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Becky L. Pasternak, Clerk
Village of Gardner